

## ENGINEERING CONSULTANTS SECTION

### Certification Acceptance Contract Administration Procedures Review Checklist (Initial Advertisement to Contract Closeout)

Agency: \_\_\_\_\_ Submittal Date: \_\_\_\_\_

Agency Contact Name: \_\_\_\_\_

Contact Phone No.: \_\_\_\_\_

Contact E-Mail Address: \_\_\_\_\_

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The ADOT ECS Contract Award and Administration Rules (ECS Rules) are the basis for the development of the CA Guidelines and checklist. Amendments to the ECS Rules will be communicated to the CA for implementation. Any changes to the ECS Rules will be applied to the CA Guidelines and checklist. ECS Website will post most current version of the CA Guidelines and checklist and the CA agency is responsible for verifying current guidelines are being followed.

This checklist was developed as a tool to expedite the review of the CA's procedures and to ensure compliance to Federal and State requirements. This document requires CA agencies to clearly state where and how these procedures and requirements are documented in their procedures. The CA procedures are subject to ADOT review and approval.

The following documents are required for certification acceptance review:

- A Copy of the CA's A/E Contract Award and Administration Procedures
- A Completed CA Contract Administration Procedures Review Checklist
- A sample of an A/E SOQ/RFQ Package
- A sample of a standard A/E Contract Boilerplate

Reviewed By: \_\_\_\_\_ Review Completion Date: \_\_\_\_\_

## Certification Acceptance Contract Administration Procedures Review Checklist

GENERAL INFORMATION AND/OR PROCEDURES					
Section Description	Reference	Federal and State Requirement	CA Procedures Content Requirement	CA Compliance Document and Page No.	Compliance Verification (Initial & Date)
1.01 Key Acronyms			Agency Practice		
1.02 Background (Requirement for Written Procedures for A/E Contracting) for Federal Projects	23 CFR Part 172	Federal	Must Include applicable Federal references		
1.03 Application (References to major applicable Federal and State regulations)	Public Law 92-582 (Brooks Act) Public Law 112-141 23 CFR Part 172 48 CFR Chapter 12 49 CFR Part 18 §18.03 & 18.20 49 CFR Part 26 23 USC 112(b)(2) ARS 41-2652 ARS 41-2501 (K) CA Guidelines	Federal and State	Must Include applicable State and Federal references		
1.04 Program and Oversight Language	LPA Manual ECS CA Guidelines for Federal-Aid Projects FHWA and ADOT Stewardship Agreement	Federal and State	Must Include applicable State and Federal references		
1.05 QBS Defined	Brooks Act (Public Law 92-582) 23 CFR Part 172 40 USC 1101 et al ARS 41-2578 49 CFR Part 18 §18.36 FAR Subpart 36.6	Federal and State	Must Include applicable State and Federal references		

1.06 Federal-Aid Funds Authorization	LPA Manual CA Guidelines	Federal	Must include Federal approval requirement		
1.07 Contract Compensation Types – Definition and/or process:	23 CFR Part 172 ARS 41-2538 CA Guidelines	Federal	Must Include applicable State and Federal references		
1.08 Federal Aid Funded Contracts (Management Consultant contracts required FHWA approval)	23 CFR Part 172 CA Guidelines	Federal	Must include Federal approval requirement		
1.09 Non-Competitive Negotiations	23 CFR Part 172 FAR 15.306 (d) CA Guidelines	Federal	Agency Practice but must meet requirements		
1.10 Emergency Procurement	23 CFF Part 172 ARS 41-2537 CA Guidelines	Federal and State	Agency Practice but must meet requirements		
1.11 Impracticable to Advertise (Low Value Procurements)	23 CFR Part 172 CA Guidelines	Federal	Agency Practice but must meet requirements		
1.12 On-Call Procurements (Requires FHWA and LPA approval)	23 CFR Part 172 CA Guidelines	Federal and State	If approved, Agency Practice but must meet requirements		
1.13 Standards of Conduct and Conflict of Interest Agency Policy	49 CFR Part 18 §18.36 ARS 38-501 through 38-511 ARS 41-753 (D) ARS 41-2503 FAR Subpart 3.104 CA Guidelines	Federal and State	Agency Practice but must meet requirements		
1.14 Anti-Collusion	23 CFR 635.112(f) 23 USC 112 CA Guidelines	Federal	Agency Practice but must meet requirements		

1.15 Non-Procurement Debarment and Suspension	2 CFR Part 180 US DOT Order 4200.5E dated March 15, 2010 8 CFR Subpart 9.4 49 CFR Part 18 §18.35 FAR 4.11 CA Guidelines	Federal	Agency Practice but must meet requirements		
1.16 Examination of Agency Records (FOIA)	5 USC 552 49 CFR Part 18§18.42 ARS 39-121 ARS 28-7707 CA Guidelines	Federal and State	Agency Practice but must meet requirements		
1.17 Protest and Dispute Resolution	49 CFR Part 18 §18.36 CA Guidelines	Federal	Agency Practice but must meet requirements		
1.18 Disadvantage Business Enterprise Program	49 CFR Part 26 49 CFR Part 18 §18.36 CA Guidelines	Federal	Must comply with BECO's specific requirements		
1.19 AZ UTRACS Online Vendor Registration	49 CFR Part 26 CA Guidelines	Federal	Must comply with BECO's specific requirements		
1.20 Small Business Concerns	49 CFR Part 26 13 CFR Part 21 49 CFR Part 18 §18.36 CA Guidelines	Federal	Must comply with BECO's specific requirements		
1.21 Anti-Lobbying/Disclosure	Title 31 USC 1352 Public Law 101.121 48 FAR Subpart 3.8 and Subpart 52.203-11 CA Guidelines	Federal	Agency Practice but must meet requirements		
1.22 Immigration Requirements	8 CFR Immigration Reform and Control Act of 1986, ARS 41-440 ARS 23-214(A) CA Guidelines	Federal and State	Agency Practice but must meet requirements		

<b>ADVERTISEMENT THROUGH SELECTION NOTIFICATION</b>					
<b>Section Description</b>	<b>Reference</b>	<b>Federal and State Requirement</b>	<b>CA Procedures Content Requirement</b>	<b>CA Compliance Document and Page No.</b>	<b>Compliance Verification (Initial &amp; Date)</b>
2.01 Prequalification of Consultants (Agency practice must be approved)	Public Law 92-582 (Brooks Act) 49 CFR Part 18 §18.36 CA Guidelines	Federal	ECS or Agency process if approved		
2.02 DBE Goal Setting	49 CFR Part 26 and 21 CA Guidelines	Federal	Must comply with BECO's specific requirements		
2.03 Pre-Advertisement Requirements	49 CFR Part 18 §18.36 ARS 41-2534 ARS 41-2537 CA Guidelines	Federal and State	Agency Practice but must meet requirements		
2.04 Standard Content Requirements for RFQ	49 CFR Part 18 §18.36 CA Guidelines	Federal	Agency Practice but must meet requirements		
2.05 Request for Qualifications and Evaluation Criteria	Public Law 92-582 (Brooks Act) 23 CFR Part 172 49 CFR Part 18 §18.36 CA Guidelines	Federal	Agency Practice but must meet requirements		
2.06 Advertisement Process	23 CFR Part 172 49 CFR Part 18 §18.36 ARS 34-201(a) ARS 39-201 ARS 39-203 ARS 39-204 ARS 41-2534 CA Guidelines	Federal and State	Agency Practice but must meet advertising requirements		
2.07 Request for Qualifications (RFQ) Availability	49 CFR Part 18 §18.36 CA Guidelines	Federal	Agency Practice but must meet requirements		

2.08 Amendments to RFQ Package	49 CFR Part 18 §18.36 CA Guidelines	Federal	Agency Practice but must meet requirements		
2.09 Contact with Agency Staff during Solicitation Period	49 CFR Part 18 §18.36 CA Guidelines		Agency Practice but must meet requirements		
2.10 Pre-Submittal Meeting	49 CFR Part 18 §18.36 CA Guidelines		Agency Practice but must meet requirements		
2.11 Pre-SOQ Submittal/Selection Panel Requirements	49 CFR Part 18 §18.36 CA Guidelines	Federal	Agency Practice but must meet requirements		
2.12 Statement of Qualifications (SOQ) Submittal	49 CFR Part 18 §18.36 CA Guidelines		Agency Practice but must meet requirements		
2.13 Non-Responsive SOQ Submittal	49 CFR Part 18 §18.36 CA Guidelines		Agency Practice but must meet requirements		
2.14 Evaluation of SOQs.	23 CFR Part 172 49 CFR Part 18 §18.36 ARS 41-2616 ARS 41-2517 FAR subpart 36.602 CA Guidelines	Federal and State	Agency Practice but must meet requirements and evaluation process must be fully documented		
2.15 Selection Process.	23 CFR Part 179 49 CFR Part 18 §18.36 Public Law 92-582 (Brooks Act) FAR Subpart 36.602-4 CA Guidelines	Federal and State	Agency Practice but must follow QBS requirements and the selection process must be fully documented		
2.16 Selection Notification	49 CFR Part 18 §18.36 CA Guidelines	Federal	Agency Practice but must meet requirements and a protest policy must be in place.		

2.17 Debriefing Sessions	49 CFR Part 18 §18.36 CA Guidelines	Federal	Agency Practice but must meet requirements		
2.18 Agency's Rights	49 CFR Part 18 §18.36 CA Guidelines	Federal and State	Agency Practice but must meet requirements		
<b>NEGOTIATION THROUGH NOTICE TO PROCEED</b>					
<b>Section Description</b>	<b>Reference</b>	<b>Federal and State Requirement</b>	<b>CA Procedures Content Requirement</b>	<b>CA Compliance Document and Page No.</b>	<b>Compliance Verification (Initial &amp; Date)</b>
3.01 Pre-Negotiation	49 CFR Part 18 §18.36 CA Guidelines	Federal	Agency Practice but must meet requirements		
3.02 Fixed Fee	49 CFR Part 18 §18.36 CA Guidelines	Federal	Agency Practice but must meet requirements		
3.03 Agency Project Manager's Cost Estimate	40 USC 1104 (a) 49 CFR Part 18 §18.36 CA Guidelines	Federal	Agency Practice but must meet requirements		
3.04 Cost Accounting – Overhead and Allowability of Costs	48 CFR 31 23 USC 112 23 CFR Part 172 49 CFR Part 18 §18.22 AASHTO Uniform Audit and Accounting Guide CA Guidelines	Federal	Agency Practice but must meet requirements		
3.05 Cost Proposal Negotiations/ Failed Negotiations	40 USC 1104 48 CFR Part 31 23 CFR Part 172 23 CFR Part 172 49 CFR Part 18 §18.36 FAR Subpart 36.606 Public Law 92-582 (Brooks Act) CA Guidelines	Federal	Agency Practice but must meet requirements and the negotiation process must be fully documented		

3.06 Insurance and Indemnification Requirements	23 CFR Part 172 ARS 41-2586 CA Guidelines	Federal and State	Agency Practice but must meet requirements		
3.07 Final Contract Approval	49 CFR Part 18 §18.36 FAR Subpart 4.11 LPA Guidelines CA Guidelines	Federal	Agency Practice but must meet requirements and FHWA approval obtained if applicable.		
3.08 Notice to Proceed	49 CFR Part 26 CA Guidelines	Federal	Agency Practice but must meet requirements		
3.09 Contract Advance to Proceed (requires FHWA approval)	49 CFR Part 18 §18.30 LPA Guidelines Ca Guidelines	Federal	Agency Practice but must meet requirements and FHWA approval obtained if applicable.		

## CONTRACT ADMINISTRATION

Section Description	Reference	Federal and State Requirement	CA Procedures Content Requirement	CA Compliance Document and Page No.	Compliance Verification (Initial & Date)
4.01 Post-Award Information	49 CFR Part 26 49 CFR Part 18 §18.36 CA Guidelines	Agency Practice	Agency Practice but must meet requirements		
4.02 Agency Vendor Registration			Agency Practice		
4.03 Monthly Progress and Work-Hour Reports	CA Guidelines		Agency Practice		



4.04 Progress Payment Reports DBE Reporting	49 CFR Part 26 CA Guidelines	Federal	Agency Practice but must meet requirements		
4.05 Prompt Pay Legislation	ARS 28-411 CA Guidelines	State	Agency Practice but must meet requirements		
4.06 Contract Modifications (requires DBE Goal Reporting and Compliance)	49 CFR Part 18 §18.30 49 CFR Part 18 §18.36 49 CFR Part 26 CA Guidelines	Federal	Agency Practice but must meet requirements that includes both DBE approval and FHWA funding authorization.		
4.07 Advance Authorizations	23 CFR Part 172 49 CFR Part 18 §18.30 CA Guidelines	Federal	Agency Practice but must meet requirements and FHWA approval obtained if applicable.		
4.08 Post-Design Services (PDS)	CA Guidelines		Agency Practice but must meet requirements		
4.09 Name Change, Merger, Acquisition, etc.	49 CFR Part 18 §18.30 CA Guidelines	Federal	Agency Practice but must meet requirements		
4.10 Change of Key Personnel	49 CFR Part 18 §18.30 CA Guidelines	Federal	Agency Practice but must meet requirements		
4.11 Control, Utilization and Disposition of Property or Equipment	49 CFR Part 18 §18.32 CA Guidelines	Federal	Agency Practice but must meet requirements		
4.12 On-Call Contract Task Order Assignment	23 CFR Part 172 CA Guidelines	Federal	If approved, Agency Practice but must meet requirements		

4.13 Contract Time Extension	23 CFR Part 172 CA Guidelines	Federal	Agency Practice but must meet requirements		
4.14 Contract Suspension	49 CFR Part 18 §18.36 CA Guidelines	Federal	Agency Practice but must meet requirements		
4.15 Consultant Performance Evaluations	23 CFR Part 172 49 CFR Part 18 §18.36 49 CFR Part 18 §18.40 CA Guidelines	Federal	Agency Practice but must meet requirements		
4.16 Errors and/or Omissions	23 CFR Part 172 49 CFR Part 18 §18.36 FAR Subpart 36.608 CA Guidelines	Federal	Agency Practice but must meet requirements		
4.17 Breach of Contract	49 CFR Part 18 §18.36 CA Guidelines	Federal	Agency Practice but must meet requirements		
4.18 Contract Completion	49 CFR Part 18 §18.36 49 CFR Part 26 CA Guidelines	Federal	Agency Practice but must meet requirements and BECO closeout certification submittal.		
4.19 Final/Incurred Cost Audit (CPFF Contracts Only)	23 CFR Part 172 49 CFR Part 18 §18.42 CA Guidelines	Federal	Agency Practice but must meet requirements		
4.20 Termination for Convenience	49 CFR Part 18 §18.32 CA Guidelines	Federal	Agency Practice but must meet requirements		
4.21 Ownership of Data	44 USC 3101 49 CFR Part 18 §18.36 49 CFR Part 18 §18.42 CA Guidelines	Federal	Agency Practice but must meet requirements		

4.22 Records Retention/Destruction	49 CFR Part 18 §18.42 ARS 32-214 CA Guidelines	Federal and State	Agency Practice but must meet requirements		
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### A/E SOQ/RFQ Package Review Checklist

PRE-ADVERTISEMENT REQUIREMENTS					
Section Description	Reference	Federal and State Requirement	CA Procedures Content Requirement	CA Compliance Document and Page No.	Compliance Verification (Initial & Date)
Funding Authorization (Federal Authorization e-mail will suffice or AZPR2X form)	49 CFR Part 18 §18.36 LPA Manual (Section 210) CA Guidelines	Federal	Agency Practice but must meet requirements and FHWA approval obtained		
Method of Procurement (Standard, Sole Source, Emergency, etc.	49 CFR Part 18 §18.36 23 CFR Part 172 ARS 41-2537 ARS 41-2538 FAR Subpart 16.101 CA Guidelines	Federal and State	Agency Practice but must meet requirements		
Number of Awards (If on-call or multiple selection)	49 CFR Part 18 §18.36 CA Guidelines	Federal	Agency Practice but must meet requirements		

Advertisement and Schedule of Events	23 CFR Part 172 49 CFR Part 18 §18.36 ARS 34-201(a) ARS 39-201 ARS 39-203 ARS 39-204 ARS 41-2534 CA Guidelines	Federal and State	Agency Practice but must meet advertising requirements		
DBE Goal Assessment	49 CFR Part 26 49 CFR Part 18 §18.36 CA Guidelines	Federal	Agency must comply with BECO requirements		
RFQ Package with a Sample Contract, assigned DBE Goal and Final Project Scope of Work	23 CFR Part 172 49 CFR Part 18 §18.36 CA Guidelines	Federal	Agency Practice but must provide clear and accurate description of submittal and technical requirements		
<b>STANDARD SOQ CONTENT REQUIREMENTS</b>					
Contract Number, Name of Project and applicable Project Number (TRACS No.)	ECS Guidelines 49 CFR Part 18 §18.36	Federal and State	Agency Practice but must meet requirements		
Public Advertisement Notice (Dates advertised and SOQ Submittal Deadline.	23 CFR Part 172 49 CFR Part 18 §18.36 ARS 34-201(a) ARS 39-201 ARS 39-203 ARS 39-204 ARS 41-2534	Federal and State	Agency Practice but must meet advertising requirements		

Instructions on where to obtain a copy of the RFQ/Amendments	49 CFR Part 18 §18.36 23 CFR 635.112 FAR Subpart 5.102	Federal	Agency Practice but must meet requirements		
SOQ Submittal Delivery Location (Submitted electronically or hard copy)	49 CFR Part 18 §18.36	Federal	Agency Practice but must meet requirements		
Proposal preparation instructions/ format (No. of pages, copies, format, etc.	49 CFR Part 18 §18.36	Federal	Agency Practice but must meet requirements		
Evaluation Criteria and Possible Award Points	23 CFR Part 172 49 CFR Part 18§18.36	Federal	Agency Practice but must meet requirements		
Right to Reject any and all Submittals Notice	49 CFR Part 18 §18.36	Federal	Agency Practice but must meet requirements		
Required proper Arizona licenses, Registrations (BTR, AZ UTRACS, etc.)	49 CFR 26 49 CFR Part 18 §18.36 Applicable Federal and State Laws	Federal and State	Agency Practice but must meet requirements		
Current ECS prequalification application on file	Brooks Act 40 USC 1103 49 CFR Part 18 §18.36	Federal	ECS or Agency process if approved		
SOQ Proposer's List Requirement	49 CFR Part 26	Federal	Agency Practice but must meet BECO requirements		
Staff Contact Restriction Notice	49 CFR Part 18 §18.36	Federal	Agency Practice but must meet requirements		

Questions Deadline	49 CFR Part 18 §18.36	Federal	Agency Practice but must meet requirements		
Pre-Submittal or Oral Interview Information (if applicable)	49 CFR Part 18 §18.36	Federal	Agency Practice but must meet requirements		
Number of Awards (if applicable, on-call or multiple selection)	49 CFR Part 18 §18.36	Federal	Agency Practice but must meet requirements		
Professional Liability Insurance Requirements	23 CFR Part 172	Federal	Agency Practice but must meet requirements		
Generally Accepted Accounting Principles (GAAP) Notice	48 CFR 31 23 USC 112 23 CFR Part 172 49 CFR Part 18 §18.22 AASHTO Uniform Audit and Accounting Guide	Federal	Agency Practice but must meet requirements		
All SOQ submittals become property of the Agency	49 CFR Part 18 §18.36	Federal	Agency Practice but must meet requirements		
Review of Selected SOQ Proposals after Award (Debriefings)	49 CFR Part 18 §18.36	Federal	Agency Practice but must meet requirements		
Proposal Content and Format Instructions	23 CFR Part 172 49 CFR Part 18 §18.36	Federal	Agency Practice but must meet requirements		
Evaluation Criteria and Possible Award Points	23 CFR Part 172 49 CFR Part 18 §18.36	Federal	Agency Practice but must meet requirements		

SOQ Certification Requirements	49 CFR Part 18 §18.36	Federal	Agency Practice but must meet requirements		
Consultant Information Page (CIP)			Agency Practice		
DBE Goal and Compliance Information	49 CFR Part 26	Federal	Agency Practice but must meet BECO requirements		
Final Project Scope of Work	23 CFR Part 172 49 CFR Part 18 §18.36	Federal	Agency Practice but must meet requirements		
Sample Contract with applicable Compensation Language, DBE Goal Assessed Percentage (if applicable) and all Federal Uniform Terms and Conditions	23 CFR Part 172 49 CFR Part 18 §18.36	Federal	Agency Practice but must meet requirements		

## A/E Contract Boilerplate Review Checklist

STANDARD CONTRACT PROVISIONS					
Section Description	Reference	Federal and State Requirement	CA Procedures Content Requirement	CA Compliance Document and Page No.	Compliance Verification (Initial & Date)
Contract Cover Page			Agency Practice		
Contract Table of Contents			Agency Practice		

1.0 Contract Information, Description, Recitals, etc.	ARS 28-6922 (A)(5)	State	Must be included in contract		
2.01 Contract Schedule and Completion Date	49 CFR Part 18 §18.36	Federal	Must be included in contract		
2.02 Scope of Work	23 CFR Part 172 49 CFR Part 18 §18.36	Federal	Must be included in contract		
3.01 Consultant's Compensation	23 CFR Part 172 49 CFR Part 31 49 CFR Part 18 §18.22	Federal	Must be included in contract		
3.02 Approved Cost Proposal Summary	23 CFR Part 172 49 CFR Part 18 §18.36	Federal and State	Must be included in contract		
4.01 General Compliance with Laws	49 CFR Part 18 §18.36 ARS 14-10107	Federal and State	Must be included in contract		
4.02 Governing Law – Arizona	ARS 14-10107	State	Must be included in contract		
4.03 Monthly Progress and Work-Hour Reports	49 CFR Part 18 §18.36	Federal	Must be included in contract		
4.04 Payment Reports/Invoices	49 CFR Part 18 §18.21 ARS 28-411	Federal and State	Must be included in contract		
4.05 Late Submittal of Payment Reports			Agency Practice		
4.06 Prompt Pay Legislation	ARS 28-411	State	Must be included in contract		
4.07 Contract Modifications	23 CFR Part 172 49 CFR Part 26 49 CFR Part 18 §18.36	Federal	Must be included in contract		
4.08 Contract Time Extensions	49 CFR Part 18 §18.36	Federal	Must be included in contract		
4.09 Dispute Escalation	49 CFR Part 18 §18.36	Federal	Must be included in contract		
4.10 Force Majeure	49 CFR Part 18 §18.36	Federal	Must be included in contract		
4.11 Electronic Plan Documentation			Agency Practice		



4.12 Errors and Omissions	23 CFR Part 172 49 CFR Part 18 §18.36	Federal	Must be included in contract		
4.13 Consultant or Subconsultant Endorsement of Plans	ACC R4-30-304	State	Must be included in contract		
4.14 Arbitration	49 CFR Part 18 §18.36		Must be included in contract		
4.15 Litigation	ARS 14-10107	State	Must be included in contract		
4.16 Suspension of Work	49 CFR Part 18 §18.36	Federal	Must be included in contract		
4.17 Project Delays, Postponements and Extensions	49 CFR Part 18 §18.36	Federal	Must be included in contract		
4.18 Termination for Default or Convenience	49 CFR Part 18 §18.36 49 CFR Part 18 §18.44	Federal	Must be included in contract		
4.19 Cancellation	49 CFR Part 18 §18.36 ARS 38-511 (A)	Federal and State	Must be included in contract		
4.20 Insurance	23 CFR Part 172 ARS 41-621 (E) CA Guidelines	Federal and State	Must be included in contract		
4.21 Indemnification (Responsibility for Claims and Liabilities)	23 CFR Part 172	Federal	Must be included in contract		
4.22 Permits for Work on ADOT Right of Way		State	If applicable, must be included in contract		
4.23 Anti-Trust Violations	49 CFR Part 18 §18.36 FAR Subpart 3.3	Federal	Must be included in contract		
4.24 Consultant's Responsibility for Plans and Data			Must be included in contract		
4.25 Professional Conduct and Professional Registration	49 CFR Part 18 §18.36	Federal	Must be included in contract		
4.26 Improper Exercise of Authority			Must be included in contract		
4.27 Conflicts of Interest	49 CFR Part 18 §18.36 ARS 38-501 through 38-511	Federal and State	Must be included in contract		

4.28 Consultant/Contractor Conflicts of Interest	49 CFR Part 18 §18.36 ARS 38-501 through 38-511	Federal and State	Must be included in contract		
4.29 Organizational Employment Disclaimer	49 CFR Part 18 §18.36 ARS 38-501 through 38-511	Federal and State	Must be included in contract		
4.30 Federal Debarment Suspension	49 CFR Part 18 §18.36 FAR Subpart 9.4 – Debarment, Suspension and Ineligibility 49 CFR Part 29.305(a)	Federal	Must be included in contract		
4.31 Contingent Fees	49 CFR Part 18 §18.36 FAR Subpart 3.4	Federal	Must be included in contract		
4.32 Subletting, Assignments and Transfers	49 CFR Part 18 §18.36	Federal	Must be included in contract		
4.33 Subcontracts	49 CFR Part 18 §18.37	Federal	Must be included in contract		
4.34 Key Personnel	49 CFR Part 18 §18.30	Federal	Must be included in contract		
4.35 Employment of Personnel of Public Agencies	49 CFR Part 18 §18.36	Federal	Must be included in contract		
4.36 Successors and Assigns	49 CFR Part 18 §18.36	Federal	Must be included in contract		
4.37 Continuing Obligation	49 CFR Part 18 §18.36	Federal	Must be included in contract		
4.38 Name Change, Merger and Acquisitions	49 CFR Part 18 §18.36	Federal	Must be included in contract		
4.39 Anti-Lobbying	Title 31 USC 1352 Public Law 101.121 48 FAR Subpart 3.8 and Subpart 52.203-11	Federal	Must be included in contract		
4.40 ADOT Products			Agency Practice		
4.41 Records Retention, Maintenance & Audit	ARS 35-214 49 CFR Part 18 §18.42 ARS 35-215	Federal and State	Must be included in contract		
4.42 Final/Incurred Cost Audit	23 CFR Part 172 49 CFR Part 18 §18.51	Federal	Must be included in contract		
4.43 Review and Inspections	49 CFR Part 18 §18.42	Federal	Must be included in contract		

4.44 Property or Equipment	49 CFR Part 18 §18.32	Federal	Must be included in contract		
4.45 Nondiscrimination	49-CFR Part 26 Executive Order 09-04 Executive Order 11246 and 11375 41 CFR Part 60 49 CFR Part 21	Federal	Must be included in contract		
4.46 Affirmative Action	23 CFR Part 230.311	Federal	Must be included in contract		
4.47 Participation by Disadvantaged Business Enterprises (DBE) – Commitment, Compliance and Reporting	49 CFR Part 26	Federal	Must be included in contract		
4.48 Counting DBE Participation	49 CFR Part 26	Federal	Must be included in contract		
4.49 Participation by Small Business Concerns (SBC)	49 CFR Part 26.7	Federal	Must be included in contract		
4.50 Environmental Protection (Contract > \$100K)	Section 306 of the Clean Air act (42 USC 1857 (h), 508 of the Clean Water Act (33 USC 1368, Executive Order 11738 and EPA Regulations) 49 CFR Part 18	Federal	Must be included in contract		
4.51 Energy Conservation	Public Law 94-163 State Energy Conservation Plan 49 CFR Part 18 23 CFR 635	Federal and State	Must be included in contract		
4.52 Publicity and Endorsements			Agency Practice		
4.53 Ownership of Data	49 CFR Part 18 §18.42	Federal	Must be included in contract		
4.54 Patents and Copyrights	49 CFR Part 18 §18.36	Federal	Must be included in contract		

4.55 Fraud and False Statements	18 USC 1001 & 1020	Federal	Must be included in contract		
4.56 Federal Immigration and Nationality Act	8 CFR Immigration Reform and Control Act of 1986 ARS 41-4401 ARS 23-214(A)	Federal and State	Must be included in contract		
4.57 Pandemic Contractual Performance	ARS 41-2537	State	Must be included in contract		
4.58 Performance Evaluation	23 CFR Part 172 49 CFR Part 18 §18.40	Federal	Must be included in contract		
4.59 Contract completion	49 CFR Part 26 49 CFR Part 18 §18.50	Federal	Must be included in contract		
Contract Signature Page	FAR Subpart 4.102	Federal	Must be included in contract		
Appendices			Agency Practice		
Scope of Work	23 CFR Part 172 49 CFR Part 18 §18.36	Federal	Must be included in contract		
Appendices – Cost Proposal	23 CFR Part 172 49 CFR Part 18 §18.36	Federal	Must be included in contract		
Part 26 DBE Participation of DBE Language	49 CFR Part 26	Federal	Must be included in contract		
Consultant Evaluation Program Guidelines	23 CFR Part 172 49 CFR Part 18 §18.40	Federal	Must be included in contract		